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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,472	01/15/2004	Adrian P. Stephens	42P18153	7600
59796	7590	08/09/2007		
INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER HUYNH, NAM TRUNG	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,472

Applicant(s)

STEPHENS ET AL.

Examiner

Nam Huynh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Benveniste (US 2004/0131039).

Regarding claims 1, 4, and 5, Benveniste discloses a station (electronic device) that transmits a polling request (data) that specifies a temporal period of expected future transmissions (predicted duration of subsequent transmission from the electronic device) (page 3, paragraph 40).

Regarding claims 2 and 3, Benveniste teaches that stations transmit only in response to a poll from the coordinator (page 1, paragraph 7).

Regarding claim 6, with reference to figure 2, the invention of Benveniste pertains to a wireless WLAN. It is inherent that a device capable of operating in a wireless LAN includes a modulator/demodulator.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 7-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnarajah et al. (US 2004/0131075) (hereinafter Sinnarajah) in view of Benveniste (US 2004/0131039).

Regarding claims 7-18 and 21-24, Sinnarajah discloses a method and system for a multicast service initiation in a communication system (title). In the scope of the invention a sector S receives an indication that a multicast call intended for a group with an identifier GROUP_IDx is to start. The sector then determines which subscriber(s) are included in the group identifier and broadcasts a parameter message at a particular time t2 (transmitting data polls in the first group substantially simultaneously) (page 4, paragraph 58). At a time t4, the sector S receives an indication that a multicast call intended for a group with an identifier GROUP_IDy is to start. The sector then determines which subscriber(s) are included in the group identifier and broadcasts a parameter message at a particular time t5 (transmitting data polls in the second group

substantially simultaneously, subsequent to said transmitting to the electronic devices in the first group) (page 4, paragraph 59). The time indicator for the transmission of the broadcast parameter message to GROUP_IDx, t4, is subsequent to the transmission of the broadcast parameter message to GROUP_IDy, t5. However, Sinnarajah does not teach that GROUP_IDx is organized by predicted durations of subsequent transmissions within a particular range of a first value and GROUP_IDy is organized by predicted durations of subsequent transmissions within a particular range of a second value. Benveniste discloses a station that transmits a polling request that specifies a temporal period of expected future transmissions (predicted duration for data transmissions from the electronic device) (page 3, paragraph 40). Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Sinnarajah to organize the groups based on based on temporal periods of expected future transmissions, as taught by Benveniste, in order to establish a polling schedule that reduces the delay between when the subscriber device queues data and when the subscriber device transmits the data of each respective group.

Regarding claims 19, 20, 25, and 26, Benveniste teaches that stations transmit only in response to a poll from the coordinator (page 1, paragraph 7).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gutman et al. (US 5,748,100)

Scherzer et al. (US 2005/0122999)

Moon et al. (US 2004/0092288)


Alberth, JR. et al. (US 2004/0209593)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
7/23/07


GEORGE ENG
SUPERVISORY PATENT EXAMINER